

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

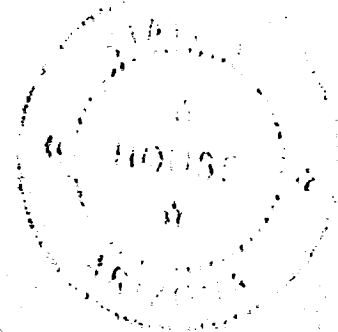
CHAPTER 125

# HOUSE BILL 2157

AN ACT

AMENDING SECTION 11-952, ARIZONA REVISED STATUTES; RELATING TO  
INTERGOVERNMENTAL AGREEMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-952, Arizona Revised Statutes, is amended to  
3 read:

4 11-952. Intergovernmental agreements and contracts

5 A. If authorized by their legislative or other governing bodies, two  
6 or more public agencies by direct contract or agreement may contract for  
7 services or jointly exercise any powers common to the contracting parties and  
8 may enter into agreements with one another for joint or cooperative action  
9 OR MAY FORM A SEPARATE LEGAL ENTITY, INCLUDING A NONPROFIT CORPORATION, TO  
10 CONTRACT FOR OR PERFORM SOME OR ALL OF THE SERVICES SPECIFIED IN THE CONTRACT  
11 OR AGREEMENT OR EXERCISE THOSE POWERS JOINTLY HELD BY THE CONTRACTING  
12 PARTIES, except that if two or more school districts arrange to become  
13 contracting parties under the terms of this section, such contract shall  
14 first be approved by the state board of education.

15 B. Any such contract or agreement shall specify the following:

16 1. Its duration.

17 2. Its purpose or purposes.

18 3. The manner of financing the joint or cooperative undertaking and  
19 of establishing and maintaining a budget therefor.

20 4. The permissible method or methods to be employed in accomplishing  
21 the partial or complete termination of the agreement and for disposing of  
22 property upon such partial or complete termination.

23 5. IF A SEPARATE LEGAL ENTITY IS FORMED PURSUANT TO SUBSECTION A, THE  
24 PRECISE ORGANIZATION, COMPOSITION, TITLE AND NATURE OF THE ENTITY.

25 ~~5.~~ 6. Any other necessary and proper matters.

26 C. No agreement made pursuant to this article shall relieve any public  
27 agency of any obligation or responsibility imposed upon it by law.

28 D. Except as provided in subsection E, every agreement or contract  
29 involving any public agency, board or commission made pursuant to this  
30 article shall, prior to its execution, be submitted to the attorney for each  
31 such public agency, board or commission, who shall determine whether the said  
32 agreement is in proper form and is within the powers and authority granted  
33 under the laws of this state to such public agency, board or commission.

34 E. A federal department or agency which is a party to an agreement or  
35 contract made pursuant to this article is not required to submit the  
36 agreement or contract to the attorney for the federal department or agency  
37 unless required under federal law.

38 F. Any agreement or contract submitted to the attorney general shall  
39 be filed with the secretary of state and shall become effective on the date  
40 provided in the agreement. The secretary of state shall prepare a  
41 cross-index of the names of all public agencies which coordinate with the  
42 attorney general and secretary of state and file an agreement under this  
43 section.

44 G. Any agreement or contract submitted to an attorney other than the  
45 attorney general shall be filed with the secretary of state if the agreement

1 affects more than one county and shall be filed with the county recorder if  
2 only one county is affected and shall become effective on the date provided  
3 in the agreement.

4 H. Appropriate action by ordinance, resolution or otherwise pursuant  
5 to the laws applicable to the governing bodies of the participating agencies  
6 approving or extending the duration of the agreement or contract shall be  
7 necessary before any such agreement, contract or extension may be filed or  
8 become effective.

9 I. If a school district is a party to an agreement made pursuant to  
10 subsection A, the parties to such agreement may extend the duration of the  
11 agreement by notification to the secretary of state if the agreement is filed  
12 pursuant to subsection F and the state board of education. Such agreement  
13 may be extended as many times as is desirable, but each extension may not  
14 exceed the duration of the previous agreement.

15 J. Payment for services under this section shall not be made unless  
16 pursuant to a fully approved written contract.

17 K. A person who authorizes payment of any monies in violation of this  
18 section is liable for the monies paid plus twenty per cent of such amount and  
19 legal interest from the date of payment.

20 L. Notwithstanding any other provision of law, public agencies may  
21 enter into a contract or agreement pursuant to this section with the superior  
22 court, justice courts and police courts for related services and facilities  
23 of such courts for a term not to exceed ten years, with the approval of such  
24 contract or agreement by the presiding judge of the superior court in the  
25 county in which the court or courts which provide the facilities or services  
26 are located.

APPROVED BY THE GOVERNOR APRIL 17, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2001.

Passed the House March 07, 2001,


Passed the Senate April 10, 2001,


by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

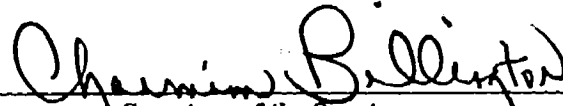
1 Nays, 2 Not Voting

0 Nays, 1 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11 day of April, 2001,

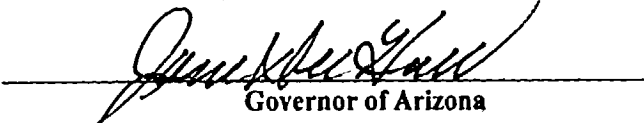
at 8:25 o'clock A M.

  
Secretary to the Governor

Approved this 17 day of

April, 2001,

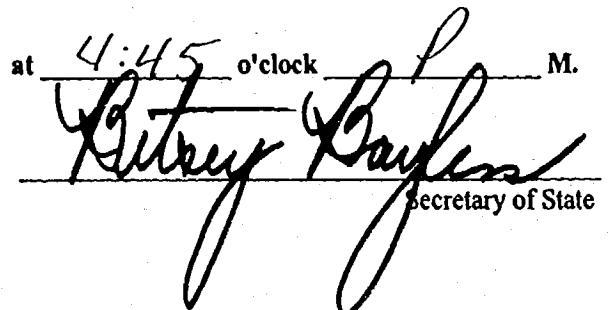
at 1:00 o'clock P M.

  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 17 day of April, 2001,

at 4:45 o'clock P M.

  
Secretary of State

H.B. 2157